

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X
GARDEN CITY BOXING CLUB, INC. :
As Broadcast Licensee of the September 18, 2004 :
De La Hoya/Hopkins Program, :
 :
Plaintiff, :
 :
-against- :
 :
CARLOS GUERRA, individually and d/b/a :
CEVICHERIA LOS GUERRA RESTAURANT :
a/k/a CEVICHERIA LOS GUERRA, and :
CEVICHERIA LOS GUERRA RESTAURANT :
a/k/a CEVICHERIA LOS GUERRA, :
 :
Defendants. :
-----X

ORDER

05-CV-1298 (DLI)(MDG)

DORA L. IRIZARRY, U.S. District Judge:

It appearing that no objections have been filed to the Report and Recommendation of the Honorable Marilyn D. Go, U.S.M.J., dated March 6, 2006; and

Upon consideration, the Report and Recommendation is hereby adopted in full. Accordingly, it is hereby

ORDERED that default judgment is entered against defendant Carlos Guerra; and it is further hereby

ORDERED that plaintiff is awarded \$2,000 in statutory damages, \$6,000 in enhanced damages, \$1,031.25 in attorneys' fees, and \$790 in costs, for a total of \$9,821.25, against defendant Carlos Guerra; and it is further hereby

ORDERED that defendant Cevicheria Los Guerra Restaurant is terminated without any entry of default judgment, as no Certificate of Incorporation is on file for this business and, thus, it has no independent legal existence and lacks the capacity to be sued under New York law; and it is further hereby

ORDERED that service of a copy of this Order shall be made by the Clerk of this Court by forwarding a copy hereof to all parties.

DATED: Brooklyn, New York
March 23, 2006

_____/s/
DORA L. IRIZARRY
United States District Judge